

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

John S. Porter

Respondent

Civil Citation No. 73821

116 S. Symington Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 19, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-16-112; 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 402, 1B01.1D, failure to register property as a rental, failure to keep all trash in cans, for illegal conversion of home: illegal apartment on residential property known as 116 S. Symington Avenue, 21228.

On April 13, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Chip Raynor issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$10,000.00 (ten thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 8, 2010 for removal of open dump/junk yard, remove trash and debris, store garbage in cans with tight lids, illegal conversion of dwelling, failure to comply with rental registration bill. This Citation was issued on April 13, 2010.

B. Photographs in the file show bagged garbage on the ground, garbage and trash piled on top of garbage cans, and a large pile covered with a tarpaulin. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs in the file show an attractive single-family house. Photographs show there are two mailboxes on the house, one at the front door labeled "B" and one at the side door labeled "A." The evidence shows that the house has been converted into two apartments. Such conversion without a permit violates zoning regulations. BCZR Section 402. Respondent must restore the property to a single-family dwelling and comply with all zoning requirements, or obtain permission to convert the property into two apartments.

D. Review of the file shows that Respondent has failed to obtain the required Rental Housing License before renting this property. A property owner is required to obtain a Rental Housing License before renting out a dwelling unit. BCC Section 35-6-105. A \$1,000.00 (one thousand dollars) civil penalty for this code violation was billed to Respondent on September 17, 2009. Respondent must either obtain the required Rental Housing License or cease the rental of this property.

E. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$10,000.00 (ten thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$1,000.00 (one thousand dollars) if the violations are corrected by June 28, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer